

Amendment No. 1 to HB1428

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Signature of Sponsor**

AMEND Senate Bill No. 1898*

House Bill No. 1428

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 7, is amended by adding Sections 2 through 4 inclusive of this act as a new Part 4.

SECTION 2. The general assembly finds and declares that issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper state regulations and inspection and not by banning the humane slaughter of surplus domestic horses at the federal level or by exporting such horses to foreign countries for slaughter. The general assembly recognizes the necessity and benefit of Tennessee's ability to direct the transport and processing of this state's surplus domestic horses. Through this part, the general assembly intends to encourage the location of equine slaughter and processing facilities in Tennessee and provide for the operation of such facilities in a sanitary, safe, and humane manner, with such facilities to be licensed, permitted, inspected, and regulated by the department of agriculture.

SECTION 3.

(a) The department of agriculture, through the promulgation of rules and regulations, shall establish a program for the licensure, licensure renewal, permitting, inspection, and regulation of equine slaughter and processing facilities in Tennessee.

(b) No person shall maintain or operate a facility for the slaughtering or processing of equine without first having obtained all appropriate licenses or permits from the department and having paid all appropriate fees.

(c) Each equine slaughter or processing facility licensed or permitted pursuant to this part shall maintain its premises, facilities and equipment and be operated in accordance with

sanitary and humane practices as required by rules and regulations prescribed by the department. The department may revoke or suspend any license or permit issued for non-compliance with such rules and regulations.

(d) The department of agriculture shall establish a fee schedule that ensures revenues produced from the licensure and inspection of equine slaughter or processing facilities are sufficient to fully fund the program established in this part, including, but not limited to, the implementation of a fee-for-service system in conducting inspections.

SECTION 4.

(a)

(1) If an action is filed in circuit or chancery court to challenge the issuance of a license or permit for an equine slaughter or processing facility, the court shall require a surety bond of the person filing the action. The bond shall be set at an amount representing twenty percent (20%) of the estimated cost of building the facility or the operational costs of an existing facility.

(2) The bonding requirements of this subsection shall not apply to an indigent person.

(b) If the bond required under subsection (a) is not paid within thirty (30) days of the filing of the action, the action shall be dismissed.

(c) An action to challenge a decision to issue or renew a license or permit shall be brought in circuit or chancery court jurisdiction in which the facility is proposed to be or has been built, as applicable.

(d) If the court determines that a judicial action challenging a license or permit for an equine slaughter or processing facility was without merit or was for an improper purpose designed to harass, cause delay, or improperly interfere with the ongoing operation of such facility, the court may award attorney fees and costs incurred in defending the action.

(e) If a person files an action against the operation of an equine slaughter or processing facility and does not prevail, such person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending.

(f) Nothing in this part shall be construed to prevent a defendant in an action brought pursuant to this section from filing an action or counterclaim for any claim for relief available by law or to limit the recovery that may be obtained in a claim for relief.

SECTION 5. The commissioner of agriculture shall promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2009, the public welfare requiring it.